United Nations S/2012/335

Security Council

Distr.: General
17 May 2012

Original: English

Letter dated 11 May 2012 from the Secretary-General to the President of the Security Council

I have the honour to refer to Security Council resolution 1757 (2007) of 30 May 2007 and its annex relating to the establishment of the Special Tribunal for Lebanon ("the Special Tribunal"). Pursuant to article 2, paragraph 5 (d) of the annex, I am to appoint the international judges of the Special Tribunal upon the recommendation of a selection panel which I will establish after informing the Security Council of my intention to do so. The panel is to be composed of two judges, currently sitting on or retired from an international tribunal, and the representative of the Secretary-General.

I wish to inform the Security Council of my intention to appoint a selection panel, in accordance with the above-mentioned provision, to select a replacement for Judge Kjell Björnberg (Sweden), international judge of the Appeals Chamber, who will resign with effect from 15 October 2012. The selection panel will also aim to establish a roster of three to four suitable candidates who could be appointed as international judges on short notice, should additional vacancies arise at the Special Tribunal in the near future. The Office of Legal Affairs has commenced the process of identifying the two judges of the selection panel. Patricia O'Brien, Under-Secretary-General for Legal Affairs, the Legal Counsel, or Stephen Mathias, Assistant Secretary-General for Legal Affairs, will join the selection panel as my representative.

(*Signed*) **BAN** Ki-moon

12-34522 (E) 180512

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United Nations S/2012/336

Security Council

Distr.: General
17 May 2012

Original: English

Letter dated 17 May 2012 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 11 May 2012 (S/2012/335) concerning your intention to appoint a selection panel, in accordance with article 2, paragraph 5 (d) of the annex to resolution 1757 (2007), has been brought to the attention of the members of the Security Council. They take note of the intention and information contained in your letter.

(*Signed*) Agshin **Mehdiyev**
President of the Security Council

12-34516 (E) 180512

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United Nations S/2012/337

Security Council

Distr.: General
18 May 2012

Original: English

Portugal: draft resolution

The Security Council,

Recalling the Statement of its President of 21 April 2012 (S/PRST/2012/15) and the press statements of 12 April and 8 May on the situation in Guinea-Bissau,

Reiterating its strong condemnation of the military coup on 12 April by the military leadership, which undermined the conclusion of the democratic electoral process in Guinea-Bissau, and of the establishment by the coup perpetrators of a "Military Command",

Recalling the unanimous condemnation of the military coup by the international community, including by the African Union (AU), the Economic Community of West African States (ECOWAS), the Community of Portuguese Speaking Countries (CPLP), the European Union (EU) and the Peacebuilding Commission (PBC),

Taking note of the efforts by the AU, ECOWAS, CPLP and the EU in response to the current crisis and the mediation efforts led by ECOWAS in response to the recent military coup,

Underlining the need for active and close coordination among international partners in order to restore constitutional order and develop a comprehensive strategy of stabilization to support Guinea-Bissau address its political, security and development challenges,

Taking note of the calls by the Government of Guinea-Bissau for a response of the Security Council to the current crisis,

Taking note of the release of interim President Raimundo Pereira, Prime Minister Carlos Gomes Júnior and other detained officials,

Deploring the continued refusal of the "Military Command" to heed the Council's demands, for the immediate restoration of the constitutional order, the reinstatement of the legitimate democratic Government of Guinea-Bissau and the resumption of the electoral process interrupted by the military coup,

Expressing concern about reports of cases of looting, including of State assets, human rights violations and abuses, including arbitrary detentions, ill treatment during detention, the repression of peaceful demonstrations and the restrictions on the freedom of movement imposed by the "Military Command" on a number of individuals, as noted in the Special Report of the Secretary-General on the situation

in Guinea-Bissau (S/2012/280), and underlining that those responsible for such violations and abuses must be held accountable,

Affirming its condemnation of all acts of violence, including against women and children, and stressing the need to prevent violence,

Noting with deep concern the worrying humanitarian situation caused by the coup d'état and its negative impact on the economic activity in the country,

Stressing the importance of Security Sector Reform implementation, including effective and responsible civilian control over the security forces, as a crucial element for long term stability in Guinea-Bissau, as envisaged in the Guinea-Bissau/ECOWAS/CPLP Roadmap and underlining the responsibility of police forces in Guinea-Bissau to protect state institutions and the civilian population,

Deploring the recurrent illegal interference of the military leadership in the political process in Guinea-Bissau and expressing concern that interference of the military in politics and the impact of illicit drug trafficking and organized crime in Guinea-Bissau have significantly hampered efforts to establish rule of law and good governance and tackle impunity and corruption,

Expressing grave concern over the negative impacts of illicit drug trafficking and organized crime on Guinea-Bissau and the subregion,

Expressing deep concern about the possible increase in illicit drug trafficking as a result of the military coup,

Underlining that any lasting solution to instability in Guinea-Bissau should include concrete actions to fight impunity and ensure that those responsible for politically-motivated assassinations and other serious crimes such as illicit drug-trafficking-related activities and breaches of constitutional order are brought to justice,

Further underlining the importance of stability and good governance for durable social and economic development in Guinea-Bissau,

Reaffirming the need to uphold and respect the sovereignty, unity and territorial integrity of Guinea-Bissau,

Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,

Acting under article 41 of Chapter VII of the Charter of the United Nations,

1. *Demands* that the Military Command takes immediate steps to restore and respect constitutional order, including a democratic electoral process, by ensuring that all soldiers return to the barracks, and that members of the "Military Command" relinquish their positions of authority;

2. *Stresses* the need for all national stakeholders and Guinea-Bissau's international bilateral and multilateral partners to remain committed to the restoration of constitutional order, as affirmed in paragraph 1 above and, in this context, encourages ECOWAS to continue its mediation efforts aimed at the restoration of constitutional order, in close coordination with the United Nations, the AU and CPLP;

3. *Requests* the Secretary-General to be actively engaged in this process, in order to harmonize the respective positions of international bilateral and multilateral partners, particularly the AU, ECOWAS, CPLP and the EU, and ensure maximum coordination and complementarity of international efforts, with a view to developing a comprehensive integrated strategy with concrete measures aimed at implementing security sector reform, political and economic reforms, combating drug-trafficking and fighting impunity;

Travel ban

4. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals listed in the annex of this resolution or designated by the Committee established pursuant to paragraph 9 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

5. *Decides* that the measures imposed by paragraph 4 above shall not apply:

(a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where entry or transit is necessary for the fulfilment of a judicial process;

(c) Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in Guinea-Bissau and stability in the region;

Designation criteria

6. *Decides* that the measures contained in paragraph 4 shall apply to the individuals designated by the Committee, pursuant to paragraph 9 (b):

(a) Seeking to prevent the restoration of the constitutional order or taking action that undermines stability in Guinea-Bissau, in particular those who played a leading role in the coup d'état of 12 April 2012 and who aim, through their actions, at undermining the rule of law, curtailing the primacy of civilian power and furthering impunity and instability in the country;

(b) Acting for or on behalf of or at the direction of or otherwise supporting or financing individuals identified in subparagraph (a);

7. *Notes* that such means of support or financing include, but are not limited to, the proceeds from organized crime, including the illicit cultivation, production and trafficking of narcotic drugs and their precursors originating in and transiting through Guinea-Bissau;

8. *Strongly encourages* Member States to submit to the Committee names of individuals who meet the criteria set out in paragraph 6 above;

New Sanctions Committee

9. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein "the Committee"), to undertake to following tasks:

(a) To monitor implementation of the measures imposed in paragraph 4;

(b) To designate those individuals subject to the measures imposed by paragraph 4 and to consider requests for exemptions in accordance with paragraph 5 above;

(c) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

(d) To report within thirty days to the Security Council on its work for the first report and thereafter to report as deemed necessary by the Committee;

(e) To encourage a dialogue between the Committee and interested Member States and international, regional and subregional organizations, in particular those in the region, including by inviting representatives of such States or organizations to meet with the Committee to discuss implementation of the measures;

(f) To seek from all States and international, regional and subregional organizations whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed above;

(g) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution;

10. *Calls upon* all Member States to report to the Committee within 120 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraph 4;

11. *Requests* the Secretary-General to submit to the Council an initial report on the implementation of paragraph 1 above within 15 days of the adoption of this resolution, and regular reports, every 90 days thereafter, on the implementation of all its elements, as well as on the humanitarian situation in Guinea-Bissau;

Commitment to review

12. *Affirms* that it shall keep the situation in Guinea-Bissau under continuous review and that it shall be prepared to review the appropriateness of the measures contained in this resolution, including the strengthening through additional measures, such as an embargo on arms and financial measures, modification, suspension or lifting of the measures, as may be needed at any time in light of the progress achieved in the stabilization of the country, the restoration of the constitutional order, in compliance with this resolution;

13. *Decides* to remain actively seized of the matter.

Annex

Travel ban

1. General António INJAI (a.k.a António INDJAI)

   Nationality: Guinea-Bissau

   Date of birth: 20 January 1955

   Place of birth: Encheia, Sector de Bissorá, Região de Oio, Guinea-Bissau

   Parentage: Wasna Injai and Quiritche Cofte

   Official function: Lieutenant General – Chief of Staff of the Armed Forces

   Passport: Diplomatic passport AAID00435

   Date of issue: 18.02.2010

   Place of issue: Guinea-Bissau

   Date of expiry: 18.02.2013

   António Injai was personally involved in planning and leading the mutiny of 1 April 2010, culminating with the illegal apprehension of the Prime Minister, Carlo Gomes Junior, and the then Chief of Staff of the Armed Forces, José Zamora Induta; during the 2012 electoral period, in his capacity as Chief of Staff of the Armed Forces, Injai made statements threatening to overthrow the elected authorities and to put an end to the electoral process; António Injai has been involved in the operational planning of the coup d'état of 12 April 2012. In the aftermath of the coup, the first communiqué by the "Military Command" was issued by the Armed Forces General Staff, which is led by General Injai.

2. Major General Mamadu TURE (a.k.a. N'KRUMAH)

   Nationality: Guinea-Bissau

   Date of birth: 26 April 1947

   Official function: Deputy Chief of Staff of the Armed Forces

   Passport: Diplomatic passport DA0002186

   Date of issue: 30.03.2007

   Place of issue: Guinea-Bissau

   Date of expiry: 26.08.2013

   Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.

3. General Estêvão NA MENA

   Nationality: Guinea-Bissau

   Date of birth: 07 March 1956

   Official function: Inspector-General of the Armed Forces

   Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.

4. Brigadier General Ibraima CAMARÁ (a.k.a. "Papa Camará")

   Nationality: Guinea-Bissau

   Date of birth: 11 May 1964

   Parentage: Suareba Camará and Sale Queita

   Official function: Chief of Staff of the Air Force

   Passport: Diplomatic passport AAID00437

   Date of issue: 18.02.2010

   Place of issue: Guinea-Bissau

   Date of expiry: 18.02.2013

   Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.

5. Lieutenant colonel Daba NAUALNA (a.k.a. Daba Na Walna)

   Nationality: Guinea-Bissau

   Date of birth: 6 June 1966

   Parentage: Samba Naualna and In-Uasne Nanfafe

   Official function: Spokesperson of the "Military Command"

   Passport: Passport SA000417

   Date of issue: 29.10.2003

   Place of issue: Guinea-Bissau

   Date of expiry: 10.03.2013

   Spokesperson of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.